

**Office of the Inspector General,
Department of Defense**

**DEPARTMENT OF DEFENSE
POLICIES AND PROCEDURES
FOR DEATH INVESTIGATIONS**

Executive Summary

Introduction. The National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160) contained Section 1185 (codified at 10 United States Code, Section 113, note "Investigations of Deaths of Members of the Armed Forces from Self-Inflicted Causes") (the Act). The Act required the Secretary of Defense to review the Military Departments' procedures for investigating the deaths of Armed Forces members that may have been self-inflicted, and to report to the Committees on Armed Services of the Senate and House of Representatives.¹ Section 1185 also required the Secretary of Defense to issue regulations for such investigations. The Deputy Secretary of Defense directed that we conduct the review and prepare the regulations required in the statute.

Objectives. Our review focused on whether current policies and procedures are adequate to ensure thorough, appropriate and consistent investigations of possible self-inflicted death cases, and whether family questions and concerns following the deaths are properly addressed. Our review included assessing whether the individuals who conduct the investigations have been adequately trained. In addition, based on a congressional request, we assessed whether the Department of Defense's (DoD) press releases on several specific deaths prematurely classified the deaths as self-inflicted.

Review Results. The DoD had not adopted standard policy and procedures for death investigations and, instead, relied upon those of the individual Military Departments. While we identified some opportunities for improvement, the Military Departments had effective policies, procedures and training for the criminal investigations they conduct in death cases. This does not mean, however, that the guidelines are properly implemented in every death case. We are continuing to review individual death cases in accordance with Section 1185(b) of the Act and will address any implementation problems in our reports on the individual cases.

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1. The term "self-inflicted" is not normally used in determinations or classifications of the manner of death. The term encompasses both suicide and accidental deaths. Based on the Handbook of Forensic Pathology, Richard C. Froede, MD, Editor, College of American Pathologists, 1990, suicide is a manner of death that is caused by a purposeful action intended to result in one's own death, while accidental death is a manner of death that results inadvertently or where no harm was intended.

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20001129 029

ABE01-02-0391

In addition, we found that a Military Department does not always have investigative jurisdiction and does not have control over the state, local, other Federal, or foreign law enforcement agency that does conduct the investigation. In those instances, the DoD cannot ensure that the criminal investigation will be conducted in the same manner as if conducted by a Military Criminal Investigative Organization (MCIO). The MCIOs should continue developing their working relationships and liaison with civilian law enforcement organizations. Improved cooperation in this area will help ensure that civilian investigations include MCIO advisory input and assistance to family members.

We found problems related to (1) psychological autopsies frequently conducted in death cases to help clarify why the deaths might have occurred, (2) administrative investigations the Military Departments also conduct in death cases, (3) the manner in which the Military Departments perform casualty notification, family assistance and personal property disposition following the deaths, and (4) the current policies and procedures for releasing information to the public when the deaths occur.

Summary of Recommendations. To comply with Section 1185 of the Act, we prepared a proposed DoD Instruction, requested and received comments, and are in the process of issuing DoD Instruction 5505.10, "Investigation of Noncombat Deaths of Active Duty Members of the Armed Forces," establishing DoD policy for death investigations. In addition, this report includes recommendations to:

- assist criminal investigators in processing crime scenes;
- improve the use of a Family Liaison Program to address family questions and concerns;
- improve procedures for requiring, conducting and reporting psychological autopsies;
- increase reliance on criminal investigations for administrative informational needs related to death cases to reduce the need for separate administrative investigations;
- improve training and procedures for administrative investigations when they are needed;
- improve procedures for casualty notification, family assistance and personal property disposition; and
- improve coordination and procedures for releasing information to the public.

Summary of Management Comments. On November 6, 1995, a draft report was distributed for comment. The comments received are included in this report at Part III. They are also summarized and considered in Part II of this report in connection with the individual recommendations to which they applied. Generally, the comments agreed with the draft report.

INTERNET DOCUMENT INFORMATION FORM

A . Report Title: Department of Defense Policies and Procedures for Death Investigations

B. DATE Report Downloaded From the Internet: 11/28/00

C. Report's Point of Contact: (Name, Organization, Address, Office Symbol, & Ph #): OAIG-AUD (ATTN: AFTS Audit Suggestions)
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D. Currently Applicable Classification Level: Unclassified

E. Distribution Statement A: Approved for Public Release

F. The foregoing information was compiled and provided by:
DTIC-OCA, Initials: __VM__ Preparation Date 11/28/00

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